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4 **EXHIBIT 1**
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Order Directing Delivery of Bond

28 MOTION FOR PARTIAL SURRENDER
OF INJUNCTION BOND (2:12-cv-01503-RAJ) -7-

87263-0001/LEGAL25245012.2
11/28/12

GUNDERSON LAW FIRM
3895 Warren Way
Reno, Nevada 89511
(775) 829-1222

1 The Honorable Jim Rogers

2 No Envelopes Provided

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FILED
KING COUNTY WASHINGTON
OCT 29 2012
SUPERIOR COURT CLERK
BY DAVID J. ROBERTS
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

395 LAMPE, LLC, a Nevada limited liability
company,

Case No. 12-2-16763-0 SEA

Plaintiff/Counter Defendant,

[PROPOSED] ORDER
DIRECTING DELIVERY OF
BOND

v.

15 KAWISH, LLC, a Washington limited liability
company; and TIMOTHY L. BLIXSETH and
16 JANE DOE BLIXSETH, husband and wife,

17 Defendants/Counterclaim
18 Plaintiffs/Third-Party Plaintiffs,
v.

19 WAYNE L. PRIM, an individual residing in
20 Nevada; THE BLACKSTONE
21 CORPORATION, a Washington corporation;
22 PRIM 1988 REVOCABLE TRUST, a private
trust; and OVERLOOK PARTNERS, LLC, a
Washington limited liability company,

23 Third-Party Defendants.

24 395 Lampe, LLC's Motion for Partial Surrender of Injunction Bond came for
25 hearing before the Honorable Jim Roger, Superior Court Judge.

26 PROPOSED ORDER DIRECTING
27 DELIVERY OF BOND- 1

Wk WITHERSPOON•KELLEY
Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265
Spokane, Washington 99201-0300 Fax: 509.458.2728

L. HEARING & RECORD

1.1 Date: The Court considered counsels' arguments on October 9, 2012.

1.2 **Appearances:** The matter was heard without oral argument.

1.3 **Record :** The Court considered the following pleadings:

- a. 395 Lampe, LLC's Motion for Partial Surrender of Injunction Bond;
- b. The Declaration of Austin K. Sweet in Support of Motion for Partial Surrender of Injunction Bond;
- c. The Affidavit of Jody M. McCormick Regarding Attorneys' Fees;
- d. Kawish, LLC's Response and factual materials; and
- e. 395 Lampe, LLC's Reply and factual materials.

II. FINDINGS OF FACT

The Court hereby FINDS that:

1. Overlook Partners, LLC wrongfully sought and obtained a temporary restraining order restraining 395 Lampe, LLC from completing the non-judicial foreclosure of the real property located in the State of Montana commonly referred to as the "Overlook Lots."

2. Overlook Partners, LLC posted a bond in the amount of \$25,000.00 (the "Bond") as a condition to restraint of the foreclosure sale.

3. This matter was removed to the United States District Court for the Western District of Washington (the "District Court").

4. Due to the removal, the District Court has jurisdiction over the Bond.

PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 2



Wk WITHERSPOON-KELLEY
Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Spokane, Washington 99201-0300

4 | DONE this 21 day of October, 2012.

HONORABLE JIM ROGERS
Superior Court Judge

9 | Presented by:

10 | GUNDERSON LAW FIRM

11 By: Mark H. Gunderson, Esq.
12 Austin K. Sweet, Esq.
13 Attorneys for 395 Lampe, LLC
Appearing Pro Hac Vice

15 WITHERSPOON · KELLEY

16
17 By: Graham

Approved as to form, presentment waived:

BRAIN LAW FIRM

22 By: Notice given
23 Paul E. Brain, WSBA No. 13438
Counsel for Kawish, LLC

28 PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 3

W. WITHERSPOON-KELLEY

Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265
Spokane, Washington 99201-0300 Fax: 509.458.2728

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on October 22, 2012, I caused to be served, via US Mail, postage pre-paid, a true and correct copy of the foregoing document to the parties below:

Paul E. Brain David S. Kerruish Mark Gunderson Austin K. Sweet
Brain Law Firm 7016 35th Ave NE Gunderson Law Gunderson Law
1119 Pacific Seattle, WA 98115 Firm Firm
Avenue, Suite 1200 3855 Warren Way 3855 Warren Way
Tacoma, WA 98412 Reno, NV 89509 Reno, NV 89509

I also certify I caused true and correct courtesy copies to be served via email to the following parties:

Paul E. Brain: pbrain@paulbrainlaw.com; jdavenport@paulbrainlaw.com
David S. Kerruish: david@kerruish.us; david@kerruishlaw.com
Mark Gunderson: mgunderson@gundersonlaw.com;
Austin K. Sweet: kgunderson@gundersonlaw.com, ascalia@gundersonlaw.com
Tom Linde: asweet@gundersonlaw.com
tomlinde@schweetlaw.com; maureenf@schweetlaw.com

ka
KATE LARA

**PROPOSED ORDER DIRECTING
DELIVERY OF BOND- 4**

Wk WITHERSPOON-KELLEY
Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265
Spokane, Washington 99201-0300 Fax: 509.458.2728

MOTION FOR PARTIAL SURRENDER

OF INJUNCTION BOND (2:12-cv-01503-RAJ)